

LAW OFFICE OF AMY JANE AGNEW

Honorable Loretta A. Preska
Senior Justice, United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

January 24, 2024

VIA ECF

Re: Bariquete v. Martuscello, et al., 79-cv-5077
Submission of Modified Consent Order

Dear Judge Preska:

Class Counsel writes to inform the Court that we will be submitting a final form of Stipulation and Order for the Modified Consent Order on February 20, 2024. Pursuant to the Class Action Fairness Act (“CAFA”) Defendants submitted notice of the parties’ settlement to the Department of Justice on November 22, 2023. (Dkt. no. 811.) Under CAFA, a district court may not approve a settlement until 90 days after Notice is given. 28 U.S.C. § 1715(d). I do apologize for not bringing this to the Court’s attention at the Fairness Hearing. Out of an abundance of caution, the parties would like to respectfully submit a final version of the dually executed Modified Consent Order for the Court’s execution on February 20, 2024. This will ensure that we have complied with CAFA regulations.

In conformity with the above, this Office also respectfully requests leave to file its fees and costs application with the Court by March 6, 2024, or 14 days after the Court’s endorsement of the Modified Consent Order, whichever is earlier.

With our thanks for the Court’s continuing courtesies.

Very truly yours,

/s/ AJ Agnew

Amy Jane Agnew, Esq.

cc: Counsel of Record (VIA ECF)

The parties shall submit their proposed final version of the executed Modified Consent Order no later than February 20, 2024. Plaintiffs' counsel shall file an application for fees and costs by March 6, 2024, or fourteen days after the Court endorses the final Modified Consent Order, whichever is earlier.

SO ORDERED.

Dated: February 16, 2024

Loretta A. Preska

LORETTA A. PRESKA, U.S.D.J.